



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

September 29, 2016

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

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In Reply Refer to:

EPA File No. 14R-13-R4

Ms. Jennene Norman-Vacha
City Manager
City of Brooksville, Florida
201 Howell Avenue
Brooksville, FL 34601-2041

Re: Rejection of Administrative Complaint

Dear Ms. Norman-Vacha:

On July 24, 2013, the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR) received an administrative complaint alleging that the City of Brooksville, Florida's Community Development Department (CDD) discriminated against members of the African American community by denying them participation in the City of Brooksville Brownfields Program (BBP). After careful review, the OCR has concluded that it cannot accept the administrative complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation found at 40 C.F.R. Part 7. Accordingly, OCR is closing this case as of the date of this letter.

Pursuant to EPA's nondiscrimination regulation, OCR conducts a preliminary review of discrimination complaints to determine acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. First, the complaint must be in writing. 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 days of the alleged discriminatory act. 40 C.F.R. § 7.120(b)(2). Finally, it must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. 40 C.F.R. § 7.15.

The information offered in the complaint did not provide the OCR with sufficient information to complete the review needed to determine whether the four jurisdictional requirements are met. 40 C.F.R. § 7.120. Most recently in letters dated March 17, 2016; May 11, 2016; and June 8, 2016; and in a phone call July 14, 2016, we sought

clarification about the complaint. Specifically, the OCR requested that the complainant provide the following information:

1. Detailed information describing the actions of the City of Brooksville and how these actions prevented or denied African Americans participation in the EPA-assisted Brooksville Brownfields program.
2. The date(s) that these alleged discriminatory acts occurred.

However, OCR has not received a response to any of these requests. On July 28, 2016, OCR emailed a Final Request for Clarification letter to the complainant requesting that the complainant provide OCR with the needed information within fifteen (15) calendar days of the receipt of that request. Because the complainant failed to provide the requested information and there is insufficient information in the record to evaluate jurisdiction, OCR must reject the complaint.

If you have any questions about this correspondence, please contact Samuel Peterson, Case Manager, at (202) 564-5393, by e-mail at peterson.samuel@epa.gov or by mail at U.S. EPA Office of Civil Rights, (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460.

Sincerely,



Lilian S. Dorka
Acting Director
Office of Civil Rights

cc: Elise Packard
Associate General Counsel
Civil Rights & Finance Law Office

Kenneth Lapierre
Assistant Regional Administrator
Deputy Civil Rights Official,
U.S. EPA Region 4